

To: Richard Parkin/R10/USEPA/US@EPA;Tami Fordham/R10/USEPA/US@EPA[]; ami Fordham/R10/USEPA/US@EPA[]
From: Rob Rosenfeld
Sent: Thur 7/7/2011 11:01:55 PM
Subject: Letter to army corps #2 regarding gov to gov and draft seis mou
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May 23, 2011

Serena Sweet
U.S. Army Corps of Engineers, Project Manager
P.O. Box 6898 (CEPOA-RD), JBER, AK 99506-0898

Dear Ms. Sweet:

This letter is being written to: 1) request Government to Government Consultation with the Army Corps leadership, 2) request initial changes to the draft MOU regarding the draft SEIS, 3) Request 100 copies of the preliminary draft, draft and final SEIS upon completion, 4) request a visual organization diagram of Army Corps of Engineers in Alaska and Nationally, 5) request the draft outline to the draft SEIS so that the NVT – IRA Tribal Council may review and give input, 6) Provide DOD and Army Corps (National and Alaska) Native American and Alaska Native Tribal Government to Government and Consultation Policies, Protocols and Implementation strategies Electronic and hard copies (20 copies), 7) Formally request electronic and hard copies (10) of the Watershed Management Plan submitted by Pac Rim and the Proposed Action and copies of associated correspondence.

Government to Government Consultation with the Army Corps leadership: NVT – IRA Tribal Council formally requests ongoing quarterly Government to Government meetings with the Colonel of the Army Corps of Engineers / Alaska Command, to address the Chuitna Coal Mine Proposal, Draft SEIS and any other issues of concern. We would like these meeting to begin in June of 2011.

Initial changes to the draft MOU regarding the draft SEIS: Please integrate and /or address the following requested changes into the proposed MOU. The following requests may not represent all of the requests coming from NVT – IRA Tribal Council.

- Section IV. Termination, #4d: “The Applicant will hold harmless both the Corps and the cooperating agencies and their officers, agents, and employees, from any claims, demands, causes of action and the like, which may arise from a contract dispute of the contract, or the MOU. “ This section must be removed, amended or clarified.
- Section VII. MISCELLANEOUS: #2: Add the word, “Tribal” to the phrase, “in accordance with all applicable Federal, and State laws and regulations.
- Section VII. MISCELLANEOUS: #2: Add the phrase, “This agreement does not take the place of the federal government responsibility to

consult with potentially impacted tribes on a government to government basis”.

- Section VII. MISCELLANEOUS: #8: Add the phrase as the third sentence, “Accept Government to Government agreements with potentially impacted federally recognized tribes.”
- Section II. General Provisions, #8c, Add the word, “Tribal” in the first sentence.
- Section III Procedures, #3 NVT – IRA Council will receive all copies of work completed and work proposed by the contractor / contractors.
- Section III Procedures, #6: Insert at end of paragraph: “the Corps will put in writing and provide reasons for not incorporating information or input into writing in a timely manner and provide to NVT – IRA Council in both electronic and written forms”

Copies of the draft SEIS: NVT – IRA Tribal Council formally requests 100 copies of the preliminary draft SEIS, draft SEIS and final SEIS to be delivered to our Tribal Office in Tyonek.

Visual organization diagram of Army Corps in Alaska and Nationally: Please send this electronically and provide 20 hard copies for our council to review prior to our June 8th council meeting.

Draft outline to the SEIS so that the NVT – IRA Tribal Council may review and give input: Please send hard copies (20 copies) to our office and electronic versions to all Council Members and to our advisor, Rob Rosenfeld.

DOD and Army Corp (National and Alaska) Native American and Alaska Native Tribal Government to Government and Consultation Policies, Protocols and Implementation strategies: Please send 20 sets of hard copies and electronic copies by June 1st, 2011, to our Tribal Office in Tyonek.

Watershed Management Plan / Proposed Action: Formally request electronic and hard copies (10) of the Watershed Management Plan submitted by Pac Rim and the Proposed Action and copies of associated correspondence.

Please send all documents requested and responses to the above in electronic form and hard copies to all of our council members and to our Advisor / Rob Rosenfeld.

Sincerely

President Frank Standifer III